2 34 56 HOUSE JOINT RESOLUTION proposing an amendment to Article XVII of the Constitution of the State of Texas, to provide that the 63rd Legislature elected in November 1972, act as a constitutional convention to propose a revised Constitution to the voters of Texas, retaining the bill of rights of the present constitution. 10 11 12 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS: 13 Section 1. That Article XVII, Constitution of the State of Texas, be-14 amended by adding a new Section 2 to read as follows: "Section 2. The 63rd Legislature of the State of Texas, elected in November 1972, shall be convened as a constitutional convention on the 17 second Tuesday in January, 1974. "When the Legislature convenes in regular session in January of 1973, 19 it may appoint a Constitutional Commission, whole number and qualifications 20 shall be determined by the Legislature. The Commission shall work with 21 the Texas Legislative Council in studying the Constitution and recommending changes. It shall report to the members of the Legislature 22 23 no later than November 1, 1973.

"A two-thirds vote of the delegates to the Constitutional Convention 24 shall be required for the passage of each section and any alternate 26 proposals on controversial issues. 27 "Per diem and expenses for legislators while serving as members of 28 the Constitutional Convention shall be the same as the amount they receive while the Legislature is in session." 29 30 Section 2. The foregoing constitutional amendment shall be submitted to a vote of the qualified electors of this state at an election to be held on the first Tuesday after the first Monday in November, 1972, at which election the ballots shall be printed to provide for voting for or against the proposition. "The constitutional amendment authorizing the Legislature to prepare a revised Constitution retaining the bill of righ of the present constitution for consideration by Texas voters. 37 38 MAL 39 40 41 42 43 44 45 46 47 48 49

FORM C

(For a favorable report on a bill where a "committee substitute" was recommended by the committee.)

COMMITTEE REPORT

| | Date | 1 1 |
|--|--|------------------------|
| HON. G. F. (GUS) MUTSCHER Speaker of the House of Representatives. | | |
| Sir: | | |
| We, your Committee onConstitution | al Amendments | , to whom was |
| referred HJR No. 61 | , have had the sar | ne under consideration |
| and beg to report back with recommendation that | t it do pass, and be not printed. | |
| Committee Substitute was recommended and is to | be printed in lieu of the original bill. | |
| The Bill was reported from Committee by the following vote: Unanimous voice vote Misjority voice vote | John Fraeger | |
| Vote of aver and nave. | John fraeger | Chairman. |

(A "committee substitute" in the case of a bill is in the form of two suggested amendments, a new body and a new caption. Under the Rules a committee may authorize the printing of the "committee substitute" in lieu of the original bill. If the original caption is adequate, the "committee substitute" should be only a new body; and in such case the original caption should be printed along with the suggested new body.)

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H. J. R. No. 61
1 By: Wolff, et al
    (In the House. -- Filed March 10, 1971; March 11, 1971, read first time
3 and referred to Committee on Constitutional Amendments: May 13, 1971,
4 reported favorably, as amended, by unanimous voice vote, sent to Printer.)
                       HOUSE JOINT RESOLUTION
   PROPOSING an amendment to Article XVII of the Constitution of
7
           the State of Texas, to provide that the 63rd Legislature
           elected in November 1972, act as a constitutional conven-
9
           tion to propose a revised Constitution to the voters of
10
           Texas, retaining the bill of rights of the present constitu-
11
12
13 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:
     Section 1. That Article XVII, Constitution of the State of Texas, be amended
15 by adding a new Section 2 to read as follows:
     "Section 2. The 63rd Legislature of the State of Texas, elected in
16
   November 1972, shall be convened as a constitutional convention on the second
17
18 Tuesday in January, 1974.
     "When the Legislature convenes in regular session in January of 1973, it
19
20 may appoint a Constitutional Commission, whole number and qualifications
21 shall be determined by the Legislature. The Commission shall work with the
22 Texas Legislative Council in studying the Constitution and recommending
23 changes. It shall report to the members of the Legislature no later than
24 November 1, 1973.
     "A two-thirds vote of the delegates to the Constitutional Convention shall be
26 required for the passage of each section and any alternate proposals on con-
27 troversial issues.
    "Per diem and expenses for legislators while serving as members of the
29 Constitutional Convention shall be the same as the amount they receive while
30 the Legislature is in session. "
     Section 2. The foregoing constitutional amendment shall be submitted to a
32 vote of the qualified electors of this state at an election to be held on the first
33 Tuesday after the first Monday in November, 1972, at which election the
34 ballots shall be printed to provide for voting for or against the proposition:
35 "The constitutional amendment authorizing the Legislature to prepare a
36 revised Constitution retaining the bill of rights of the present constitution for
37 consideration by Texas voters. "
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                  COMMITTEE AMENDMENT NO. 1
2.
    Amend H. J. R. No. 61 by striking all below the resolving clause and
3
   substituting the following:
    Section 1. That Article XVIII, Constitution of the State of Texas, be
   amended by adding a Section 2 to read as follows:
     "Section 2. (a) When the legislature convenes in regular session in
   January, 1973, it shall provide by concurrent resolution for the establish-
   ment of a constitutional revision commission.
                                                  The legislature shall
9
   appropriate money to provide an adequate staff, office space, equipment,
10
   and supplies for the commission.
11
     "(b) The commission shall study the need for constitutional change and
12
   shall report its recommendations to the members of the legislature not
   later than November 1, 1973.
14
     "(c) The members of the 63rd Legislature shall be convened as a
15
   constitutional convention at noon on the second Tuesday in January, 1974.
16
   The lieutenant governor shall preside until a chairman of the convention is
17
18 elected. The convention shall elect other officers it deems necessary,
19 adopt temporary and permanent rules, and publish a journal of its pro-
   ceedings.
     ''(d) Members of the convention shall receive compensation, mileage,
21
22 per diem as determined by a five member committee, to be composed of
   the Governor, Lt. Governor, Speaker of the House, Chief Justice of the
   Supreme Court, and Chief Justice of the Court of Criminal Appeals. This
   shall not be held in conflict with Article XVI, Section 33 of the Texas
   Constitution. The convention may provide for the expenses of its members
   and for the employment of a staff for the convention, and for these purposes
   may by resolution appropriate money from the general revenue fund of the
    state treasury. Warrants shall be drawn pursuant to vouchers signed by
30 the chairman or by a person authorized by him in writing to sign them.
     "(e) The convention, by resolution adopted on the vote of at least two-
32 thirds of its members, may submit for a vote of the qualified electors of
33 this state a new constitution which may contain alternative articles or
34 sections, or may submit revisions of the existing constitution which may
35 contain alternative articles or sections. Each resolution shall specify the
36 date of the election and the method of publicizing the proposals to be voted
         To be effective, each proposal must receive a majority of the votes
37 on.
38 cast on it at the election. To be adopted, each proposal must receive the
39 favorable vote of the majority of those cast on the proposal. The conduct
40 of the election, the canvassing of the votes, and the reporting of the returns
41 shall be as provided for elections under Section 1 of this article.
      ''(f) The convention may be dissolved by resolution adopted on the vote of at
42
43 least two-thirds of its members; but it is automatically dissolved at 11:59 p, m.
    on May 31, 1974, unless its duration is extended for a period not to exceed 60
    days by resolution adopted on the vote of at least two-thirds of its members."
45
      Section 2. The foregoing constitutional amendment shall be submitted to
46
47 a vote of the qualified electors of this state at an election to be held on the
48 first Tuesday after the first Monday in November, 1972, at which election the
49 ballots shall be printed to provide for voting for or against the proposition:
 50 "The constitutional amendment providing for a constitutional revision
 51 commission which precedes the convening of the members of the 63rd
 52 Legislature as a constitutional convention in January, 1974, for the purpose
 53 of submitting to the voters a new constitution or revisions of the existing
 54 state constitution. "
                                                                       Moncrief
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COMMITTEE REPORT 2 COMMITTEE ROOM 3 Austin, Texas, May 11, 1971 5 Hon. G. F. (Gus) Mutscher, Speaker of the House of Representatives. SIR: We, your Committee on Constitutional Amendments, to whom was referred H. J. R. No. 61, have had the same under consideration and beg to 7 report back with recommendation that it do pass, and be not printed. Committee Substitute was recommended and is to be printed in lieu of the 10 original bill. John A. Traeger, Chairman 11 12 BILL ANALYSIS 13 14 15 Background: The present Texas Constitution does not fulfill the needs of Texas 16 17 today. It is unwieldy, extremely complicated and filled with matters not germane to a state constitution. 19 20 Purpose: To provide that the 63rd Legislature act as a constitutional conven-21 22 tion to propose a new Constitution. 23 24 Section by Section Analysis: Section 1: When the legislature convenes in regular session in 25 26 January 1973, it shall provide for a constitutional revision commission 27 and shall appropriate money for staff, office space, equipment and supplies. 28 The commission shall report its recommendations not later than 29 30 November 1, 1973. 31 The members of the 63rd legislature shall be convened as a con-33 stitutional convention in January 1974. 34 Members of the convention shall receive compensation as determined 35 36 by a five man committee. The convention may provide for the expenses of 37 its members by appropriating money from the general revenue fund of the 38 state treasury. 39 Two-thirds vote of the convention would be necessary to submit 40 41 a new state constitution to the qualified electorate of the state. 42 The convention is automatically dissolved by May 31, 1974 unless 43 44 its duration is extended for no more than 60 days by resolution adopted by two-thirds of its members. 45 46 Section 2: Election clause. 47 48 Committee Action: 49 Passed by unanimous voice vote. 50 51 52 53 54 55 56 57 58



COMMITTEE AMENDMENT NO.

Amend H.J.R. No. 61 by striking all below the resolving clause and substituting the following:

Section 1. That Article XVIII, Constitution of the State of Texas, be amended by adding a Section 2 to read as follows:

"Section 2. (a) When the legislature convenes in regular session in January, 1973, it shall provide by concurrent resolution for the establishment of a constitutional revision commission. The legislature shall appropriate money to provide an adequate staff, office space, equipment, and supplies for the commission.

"(b) The commission shall study the need for constitutional change and shall report its recommendations to the members of the legislature not later than November 1, 1973.

"(c) The members of the 63rd Legislature shall be convened as a constitutional convention at noon on the second Tuesday in January, 1974. The lieutenant governor shall preside until a chairman of the convention is elected. The convention shall elect other officers it deems necessary, adopt temporary and permanent rules, and publish a journal of its proceedings.

"(d) Members of the convention shall receive compensation, mileage, per diem as determined by a five member committee, to be composed of the Governor, It. Governor, Speaker of the House, Chief Justice of the Supreme Court, and Chief Justice of the Court of Criminal Appeals. This shall not be held in conflict with Article XVI, Section 33 of the Texas Constitution. The convention may provide for the expenses of its members and for the employment of a staff for the convention, and for these purposes may by resolution appropriate money from the general revenue fund of the state treasury. Warrants shall be drawn pursuant to vouchers signed by the chairman or by a person authorized by him in writing to sign them.

"(c) The convention, by resolution adopted on the vote of at least two-thirds of its members, may submit for a vote of the qualified electors of this state a new constitution which may contain alternative articles or sections, or may submit revisions of the existing constitution which may contain alternative articles or sections. Each resolution shall specify the date of the election and the method of publicizing the proposals to be voted on. To be effective, each proposal must receive a majority of the votes cast on it at the election. To be adopted, each proposal must receive the favorable vote of the majority of those cast on the proposal. The conduct of the election, the canvassing of the votes, and the reporting of the returns shall be as provided for elections under Section 1 of this article.

"(f) The convention may be dissolved by resolution adopted on the vote of at least two-thirds of its members; but it is automatically dissolved at 11:59 p.m. on May 31, 1974, unless its duration is extended for a period not to exceed 60 days by resolution adopted on the vote of at least two-thirds of

its members."

DATE
DEAD AND ADOPTED AS OFFICE AS OFFICE OF REPREDENTATIVES

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Section 2. The foregoing constitutional amendment shall be submitted to Section 2. The foregoing constitutional amendment shall be submitted to a vote of the qualified electors of this state at an election to be held on the first Tuesday after the first Monday in November, 1972, at which election the ballots shall be printed to provide for voting for or against the proposition: "The constitutional amendment providing for a constitutional revision commission which precedes the convening of the members of the 63rd purpose of submitting to the voters a new constitution or revisions of the existing state constitution."

BY Presser

Amend Committee Amendment No. 1 to H.J.R. No. 61 as follows:

- (1) On the first line of Section 1, substitute "XVII," for "XVIII,".
- (2) Strike quoted Subsection (e) in Section 1 and substitute the following:
- "(e) The convention, by resolution adopted on the vote of at least two-thirds of its members, may submit for a vote of the qualified electors of this state a new constitution which may contain alternative articles or sections, or may submit revisions of the existing constitution which may contain alternative articles or sections. Each resolution shall specify the date of the election, the form of the ballots, and the method of publicizing the proposals to be voted on. To be adopted, each proposal must receive the favorable vote of the majority of those voting on the proposal. The conduct of the election, the canvassing of the votes, and the reporting of the returns shall be as provided for elections under Section 1 of this article.
- (3) Add a sentence to quoted Subsection (c) in Section 1 to read as follows: "A person elected to fill a vacancy in the 63rd Legislature before dissolution of the convention becomes a member of the convention on taking office as a member of the legislature."

MAY 1 8 1971

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READ AND ADOPTIO

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Amendment No. _____ ty Contents

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CHIEF CLERK TATIVES

HOUSE JOINT RESOLUTION

| proposing an amendment to Article XVII of the Constitution of the |
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| State of Texas, to provide that the 63rd Legislature elected in |
| November 1972, establish a constitutional revision commission and |
| act as a constitutional convention to propose a revised Constitution |
| to the voters of Texas, retaining the Bill of Rights of the present |
| Constitution. |

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. That Article XVII, Constitution of the State of Texas, be amended by adding a Section 2 to read as follows:

"Section 2. (a) When the legislature convenes in regular session in January, 1973, it shall provide by concurrent resolution for the establishment of a constitutional revision commission. The legislature shall appropriate money to provide an adequate staff, office space, equipment, and supplies for the commission.

- "(b) The commission shall study the need for constitutional change and shall report its recommendations to the members of the legislature not later than November 1, 1973.
- "(c) The members of the 63rd Legislature shall be convened as a constitutional convention at noon on the second Tuesday in January, 1974. The lieutenant governor shall preside until a chairman of the convention is elected. The convention shall elect other officers it deems necessary, adopt temporary and permanent rules, and publish a journal of its proceedings. A person elected to fill a vacancy in the 63rd Legislature before dissolution of the convention becomes a member of the convention on taking office as a member of the legislature.

- "(d) Members of the convention shall receive compensation, mileage, per diem as determined by a five member committee, to be composed of the Governor, Lieutenant Governor, Speaker of the House, Chief Justice of the Supreme Court, and Chief Justice of the Court of Criminal Appeals. This shall not be held in conflict with Article XVI, Section 33 of the Texas Constitution. The convention may provide for the expenses of its members and for the employment of a staff for the convention, and for these purposes may by resolution appropriate money from the general revenue fund of the state treasury. Warrants shall be drawn pursuant to vouchers signed by the chairman or by a person authorized by him in writing to sign them.
- "(e) The convention, by resolution adopted on the vote of at least two-thirds of its members, may submit for a vote of the qualified electors of this state a new constitution which may contain alternative articles or sections, or may submit revisions of the existing constitution which may contain alternative articles or sections. Each resolution shall specify the date of the election, the form of the ballots, and the method of publicizing the proposals to be voted on. To be adopted, each proposal must receive the favorable vote of the majority of those voting on the proposal. The conduct of the election, the canvassing of the votes, and the reporting of the returns shall be as provided for elections under Section 1 of this article.
- "(f) The convention may be dissolved by resolution adopted on the vote of at least two-thirds of its members; but it is _____

| | Austin, Texas | |
|---|-------------------|-----------|
| | May 21 | 19_71 |
| | | |
| | | |
| Hon. Ben Barnes President of the Senate | | |
| Sir: | | |
| We, your Committee onCONSTI | | |
| to which was referred H.J.R.B. No. | 61 , have had the | e same |
| under consideration, and I am instructed to report it back to | | |
| the Senate with the recommendation that it do | | |
| pass and b | | _printed. |
| | WILSON | △ |
| | Chairman | |

H.J.R. No. 61

HOUSE JOINT RESOLUTION

proposing an amendment to Article XVII of the Constitution of the State of Texas, to provide that the 63rd Legislature elected in November 1972, establish a constitutional revision commission and act as a constitutional convention to propose a revised Constitution to the voters of Texas, retaining the Bill of Rights of the present Constitution.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. That Article XVII, Constitution of the State of
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"Section 2. (a) When the legislature convenes in regular session in January, 1973, it shall provide by concurrent resolution for the establishment of a constitutional revision commission. The legislature shall appropriate money to provide an adequate staff, office space, equipment, and supplies for the commission.

- "(b) The commission shall study the need for constitutional change and shall report its recommendations to the members of the legislature not later than November 1, 1973.
- "(c) The members of the 63rd Legislature shall be convened as a constitutional convention at noon on the second Tuesday in January, 1974. The lieutenant governor shall preside until a chairman of the convention is elected. The convention shall elect other officers it deems necessary, adopt temporary and permanent rules, and publish a journal of its proceedings. A person elected to fill a vacancy in the 63rd Legislature before dissolution of the convention becomes a member of the convention on taking office as a member of the legislature.

H.J.R. No. 61

- "(d) Members of the convention shall receive compensation, mileage, per diem as determined by a five member committee, to be composed of the Governor, Lieutenant Governor, Speaker of the House, Chief Justice of the Supreme Court, and Chief Justice of the Court of Criminal Appeals. This shall not be held in conflict with Article XVI, Section 33 of the Texas Constitution. The convention may provide for the expenses of its members and for the employment of a staff for the convention, and for these purposes may by resolution appropriate money from the general revenue fund of the state treasury. Warrants shall be drawn pursuant to vouchers signed by the chairman or by a person authorized by him in writing to sign them.
- "(e) The convention, by resolution adopted on the vote of at least two-thirds of its members, may submit for a vote of the qualified electors of this state a new constitution which may contain alternative articles or sections, or may submit revisions of the existing constitution which may contain alternative articles or sections. Each resolution shall specify the date of the election, the form of the ballots, and the method of publicizing the proposals to be voted on. To be adopted, each proposal must receive the favorable vote of the majority of those voting on the proposal. The conduct of the election, the canvassing of the votes, and the reporting of the returns shall be as provided for elections under Section 1 of this article.
- "(f) The convention may be dissolved by resolution adopted on the vote of at least two-thirds of its members; but it is

H.J.R. No. 61

automatically dissolved at 11:59 p.m. on May 31, 1974, unless its duration is extended for a period not to exceed 60 days by resolution adopted on the vote of at least two-thirds of its members.

"(g) The Bill of Rights of the present Texas Constitution shall be retained in full."

Sec. 2. The foregoing constitutional amendment shall be submitted to a vote of the qualified electors of this state at an election to be held on the first Tuesday after the first Monday in November, 1972, at which election the ballots shall be printed to provide for voting for or against the proposition: "The constitutional amendment providing for a constitutional revision commission which precedes the convening of the members of the 63rd Legislature as a constitutional convention in January, 1974, for the purpose of submitting to the voters a new constitution or revisions of the existing state constitution."

Lieutenant Governor President of the Senate Speaker of the House

I hereby certify that H.J.R. No. 61 was adopted by the House on May 18, 1971, by the following vote: Yeas 103, Nays 33.

Chief Clerk of the House

| | | H.J.R. 61 |
|-------------|----------------------|----------------------------------|
| I her | reby certify that H. | J.R. No. 61 was passed by the |
| Senate on N | May 25, 1971, by the | following vote: Yeas 25, Nays 4. |
| | | Secretary of the Senate |
| APPROVED: | PROVED: Date | MAY 2 8 1971 |
| | Secretary of State | |
| | Governor | |



HOUSE OF REPRESENTATIVES AUSTIN

The Honorable Martin Dies Secretary of State

I am hereby transmitting to the office of the Secretary of State, House Joint Resolution No. 61, 62nd Legislature, as of May 28th, 1971.

Enrolling and Engroseing Clerk House of Representatives

FILED IN THE OFFICE OF THE SECRETARY OF STATE

MAY 28 1971

Secretary of State

By way 10 th - Newto H. R. No. 61

HOUSE JOINT RESOLUTION

proposing an amendment to Article XVII of the Constitution of the State of Texas, to provide that the 63rd Legislature elected in November 1972, act as a constitutional convention to propose a revised Constitution to the voters of Texas, retaining the bill of rights of the present constitution.

MAR 10 1971

MAR 11 1971 READ IST TIME

AND REFERRED TO COMMITTEE ON

Constitutions Civilinant

Deracting Wallman

Chief Clerk, House of Representatives

MAY 1 3 1971 REPORTED FAVORABLY SENT TO PRINTER

MAY 1 3 1971 ASVAMENDEDE

TIME AMULAED AND finally forted by Chief Clerk, House of Representatives

WAY 18 1971

WHICH N. J. R. # G. WAS

ADOPTED AND TO TABLE THE MOTION PO RECONSIDER PREVAILED TO TABLE THE MOTION PO RECONSIDER THE WOTE OF REPRESENTATIVES

MAY 11 8 1971 SENT TO ENGLOSSING CLERK

MECEIVED MAY 13 1971 HOUSE OF REPRESENTATIVES

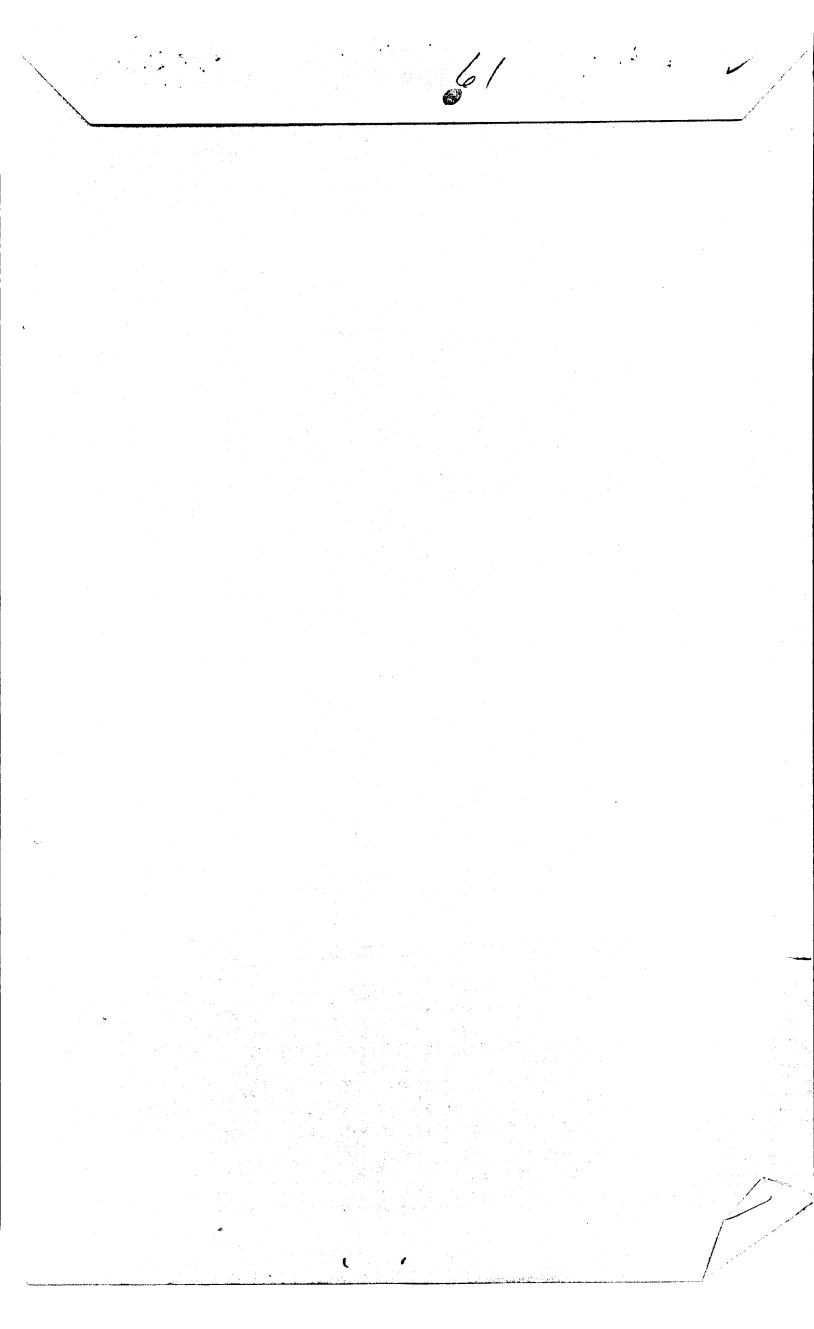


PRINTED, DISTRIBUTED AND

REFERRED TO COMMITTEE ON

RULES 3:30 4 M. _____

MAY 13 197



MAY 1 8 1971

HOUSE JOINT RESOLUTION

| proposing an amendment to Article XVII of the Constitution of the State of Texas, to provide that the 63rd Legislature elected in November 1972, establish a constitutional revision commission and act as a constitutional convention to propose a revised Constitution to the voters of Texas, retaining the Bill of Rights of the present Constitution. | | |
|--|--|--|
| 3-10-71 | Filed. | |
| 3-11-71 | Read first time and referred to Committee on Constitutional Amendments. | |
| 5-13-71 | Reported favorably as amended, and sent to printer. | |
| <u>5-13-71</u> | Printed, distributed and referred to Committee on Rules at 3:30 p.m | |
| 5-18-71 | Read second time, amended and finally passed by the following vote: Yeas 103, Nays 33. | |
| | Dorothy Hallman Chief Clerk, H. of R. | |
| 5-18-71 | Sent to Engrossing Clerk. | |
| 5-18-71 | Engrossed | |
| | Engrossing Clerk, Af of R. | |

RETURNED FACIL ENGROSSING CLERK SENT TO SENATE

| MAY 1 8 1971 Received from the House | |
|--|--|
| MAY 1 9 1971 Read, referred to Committee on_ | Constitutional Amendments |
| MAY 21 1971Reported favorably. | |
| Reported adversely, with favorabl read first time. | e Committee Substitute; Committee Substitute |
| Ordered not printed. | |
| MAY 25 19/1 Regular order of business suspend | ed by |
| | (u nanimous consent . |
| | (<u>26</u> yeas, <u>3</u> nays. |
| | and passage, Senate and Constitutional Rules |
| MAY 25 1971 suspended by vote ofyear | |
| Read second time | and passed to third reading. |
| Caption ordered amended to conf | |
| Senate and Constitutional 3-Day 1 25 yeas, 4 nays to pl | Rules suspended by vote of lace bill on third reading and final passage. |
| Read third time and passed by | (a viva-voce vote. (25 yeas, 4 nays. |
| OTHER ACTION: | Joseph Johnabel |
| | Secretary of the Senate |
| | RETURNED FROM SENATE |
| | MAY 2 5 1971 |
| MAY 25 1971 Returned to HOUSE | Dorothy Hallman |

(Thi A see see Representatives